

## **TABLE OF CONTENTS**

The Laskowski Family .....	1
The War in Iraq .....	4
Sgt. Laskowski's Career at Parris Island .....	7
Family Life for the Laskowskis at Parris Island .....	10
Sgt. Laskowski's Career at Keystone Financial .....	12
The Elements of the Professional Medical Negligence Claim .....	16
DUTY TO TREAT SGT. LASKOWSKI .....	16
The WBVA Employees Responsible for Treating Sgt. Laskowski Between April and August 2007 .....	19
Expert Testimony .....	22
The WBVA's Medical Care of Sgt. Laskowski .....	28
April 11, 2007 .....	28
April 17, 2007 .....	31
April 20, 2007 .....	33
May1, 2007 .....	33
May 11, 2007 .....	34
May 17, 2007 .....	40
May 31, 2007 .....	43

June 4, 2007 .....	46
June 22, 2007 .....	48
July 3, 2007 .....	49
July 16, 2007 .....	50
July 18, 2007 .....	52
August 13, 2007 .....	56
THE WBVA’S BREACHES OF THE STANDARD OF CARE .....	58
The Standard of Care Required Psychotherapy (Admitted) .....	58
Psychotherapy Deviation (Admitted) .....	59
The Standard of Care Required Application of the PTSD Clinical Guidelines Informed by Judgment, Supervision and Experience .....	60
Guideline, Judgment, Supervision and Experience Breach #1 ....	62
Guideline, Judgment, Supervision and Experience Breach #2 ....	62
Guideline, Judgment, Supervision and Experience Breach #3 ....	63
Diagnosis Drives the Standard of Care, and there Must be a Nexus between a Chosen Medication and the Diagnosis .....	63
Medication Breach .....	64
The Standard of Care Required Coordinated Care (Admitted) .....	67
Coordination of Care Breach #1 .....	67

Coordination of Care Breach #2 (Admitted) . . . . .	67
Coordination of Care Breach #3 (Admitted) . . . . .	68
Coordination of Care Breach #4 (Admitted) . . . . .	68
Coordination of Care Breach #5 (Admitted) . . . . .	69
Coordination of Care Breach #6 (Admitted) . . . . .	69
The Standard of Care Required Supervision of Physicians Assistants and Nurse Lucas . . . . .	70
Supervision Breach #1 . . . . .	70
Supervision Breach #2 . . . . .	71
Supervision Breach #3 . . . . .	71
Supervision Breach #4 . . . . .	71
The Standard of Care via Telephone . . . . .	72
Telephone Breach #1 . . . . .	74
Telephone Breach #2, #3, #4 . . . . .	74
Telephone Breach #5 . . . . .	75
Telephone Breach #6 . . . . .	75
Telephone Breach #7 . . . . .	76
The Standard of Care Required Surveillance and Monitoring for Known Alcohol and Substance Co-Morbidities . . . . .	77
Surveillance Breach . . . . .	78

FACTUAL CAUSE .....	78
DAMAGES .....	83
Stanley P. Laskowski, III's Economic Damages .....	84
Stanley P. Laskowski, III's Non-economic Damages .....	86
Marisol Laskowski's Loss of Consortium Damages .....	90
CONCLUSIONS OF LAW AND LEGAL BRIEF .....	93
I.    Jurisdiction and Burden of Proof .....	93
II.   Plaintiffs' Have the Right to Recover .....	95
A.   Plaintiffs Established the United States Had a Duty to Provide Competent Treatment .....	96
B.   The United States Breached its Duty to Provide Appropriate Care .....	97
C.   The Element of Causation has been Established Directly and Under the Increased Risk of Harm Standard .....	102
D.   Plaintiffs Have Suffered Significant Economic and Non- Economic Harm for Which They May Recover .....	107
E.   Public Policy Confirms Plaintiffs' Right to Recover .....	108
III.  Damages Award .....	112